

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

AHMAD FAWZI ISSA,	:	
	:	
Petitioner,	:	Case No. 1:03-cv-280
	:	
-vs-	:	District Judge Walter H. Rice
	:	Magistrate Judge Michael R. Merz
	:	
TIM SHOOP, Warden,	:	
Chillicothe Correctional Institution,	:	
	:	
Respondent.	:	

REPORT AND RECOMMENDATIONS

This capital habeas corpus case is before the Court on remand from the United States Court of Appeals for the Sixth Circuit. Pursuant to that court’s Mandate (ECF No. 244), this Court on July 2, 2019, issued a Conditional Writ of Habeas Corpus requiring “that the State of Ohio retry the Petitioner Ahmad Fawzi Issa within 180 days of the date of this Writ and, unless Petitioner is again convicted and sentenced pursuant to a new judgment of the Hamilton County Court of Common Pleas, release him from custody.” (ECF No. 247, PageID 10526).

On August 21, 2019, Petitioner’s counsel furnished this Court with a copy of the Judgment Entry accepting Petitioner’s plea of guilty to the charge of involuntary manslaughter and sentencing him to time already served; a copy is attached to ECF No. 252.

Because Petitioner is no longer in custody pursuant to the judgment which was at issue in this case, the Magistrate Judge respectfully recommends that the Order for Administrative Processing (ECF No. 248) be vacated and the Court enter final judgment dismissing the case as

moot.

December 8, 2020.

s/ Michael R. Merz
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal.